

Message Text

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INFO OCT-01 ISO-00 SCS-03 SCA-01 DHA-02 L-03 H-01
CU-02 SS-15 NSC-05 CPR-01 CIAE-00 INR-07 NSAE-00
PRS-01 PA-01 USIA-06 SY-05 NEA-10 PPT-01 SP-02
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FM AMEMBASSY MOSCOW
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INFO AMCONSUL LENINGRAD

C O N F I D E N T I A L SECTION 1 OF 2 MOSCOW 4276

E.O. 11652: GDS
TAGS: PFOR, CASC, UR
SUBJECT: CUSTOMS CONFISCATIONS OF "ANTI-SOVIET" MATERIAL

REF: (A) MOSCOW 0107, (B) 76 MOSCOW 19949, (C) MOSCOW 0203
(D) MOSCOW 0380, (E) 72 MOSCOW 1017, (F) 74 MOSCOW 10027,
(G) 76 MOSCOW 14704, (H) 72 MOSCOW 5803

1. SUMMARY: SOVIET REPLIES TO EMBASSY PROTESTS IN SEVERAL RECENT
CUSTOMS CONFISCATION AND DETENTION CASES INDICATE AUTHORITIES
WILL CONTINUE TO RESIST STRENUOUSLY EFFORTS TO BRING IN AND
DISTRIBUTE TO SOVIET CITIZENS QUOTE ZIONIST AND ANTI-SOVIET
MATERIAL UNQUOTE. CUSTOMS REGULATIONS ARE WRITTEN SO AS TO
SUPPORT THIS EFFORT. OUR EXPERIENCE SUGGESTS THAT CONFISCATIONS
ARE GENERALLY NOT ARBITRARY, BUT DETERMINED BY QUANTITY AND
CONTENT OF MATERIAL AS WELL AS BY WHETHER ATTEMPT IS MADE AT CON-
CEALMENT. REGULATIONS ARE ENFORCED MORE STRICTLY AND SEARCHES
ARE MORE FREQUENT AND THOROUGH DURING PERIODS OF HEIGHTENED
SENSITIVITY. U.S. CITIZENS INVOLVED HAVE SUFFERED EMBARRASSMENT,
DISCOMFORT AND INCONVENIENCE BECAUSE OF SEARCHES, DETENTION AND
REFUSAL TO ADMIT THEM INTO COUNTRY, BUT THERE HAVE BEEN NO
ARRESTS. WE THINK THAT UNDER CURRENT CIRCUMSTANCES ARRESTS FOR
THIS TYPE OF CUSTOMS VIOLATION ARE UNLIKELY, BUT EXPERIENCE LAST
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YEAR OF TWO WEST EUROPEANS SUGGESTS THAT IT IS NOT ALTOGETHER OUT
OF QUESTION. WE SUGGEST THAT WHERE POSSIBLE, DEPT. INFORM US
TOURISTS BOUND FOR MOSCOW, AND PARTICULARLY MEMBERS OF US RELIGIOUS
AND HUMAN RIGHTS GROUPS, THAT IMPORTATION OF MATERIAL WHICH SOVIET
AUTHORITIES CONSIDER PROHIBITED IS CONTRARY TO SOVIET LAW AND CAN
CONCEIVABLY LEAD TO ARREST. END SUMMARY

2. RECENT CASES. DURING LATTER PART OF 76 AND EARLY 1977, EMBASSY RECEIVED SEVERAL COMPLAINTS FROM AMERICAN TOURISTS, WHO STATED THAT THEY HAD BEEN SUBJECTED TO A THOROUGH CUSTOMS SEARCH OF THEIR LUGGAGE AND THAT SOME ITEMS HAD BEEN CONFISCATED. THE EMBASSY SENT NOTES TO THE MFA, DESCRIBING INCIDENTS AND STRONGLY PROTESTING TREATMENT OF THESE AMERICAN TOURISTS. EMBASSY HAS RECEIVED ANSWERS TO THESE NOTES, SUMMARIZED BELOW.

3. MS. HERTA SEIDMAN ARRIVED IN KIEV ON DEC. 30, 1976. ACCORDING TO HER ACCOUNT, HER PERSONAL EFFECTS WERE SEARCHED AND SHE WAS ASKED TO DISROBE. SEVERAL DOCUMENTS WERE CONFISCATED. AFTER BEING INTERROGATED FOR "SEVERAL HOURS" SHE WAS FORCED TO SIGN AN "AKT", CONFESSING THAT SHE HAD CONDUCTED ANTI-SOVIET ACTIVITIES. SHE WAS NOT ALLOWED TO CALL KIEV CONSULAR OFFICER. (REFTEL A).

4. IN ANSWER MFA STATED THAT SHE HAD DISPLAYED ABNORMAL BEHAVIOR ON PLANE. CUSTOMS INSPECTORS DISCOVERED THAT SHE HAD CONCEALED IN A SPECIALLY MADE PANTS POCKET A LARGE COLLECTION OF ANTI-SOVIET LITERATURE, WHICH WAS CONFISCATED. SHE ADMITTED THAT SHE WAS AN ACTIVE MEMBER OF THE JDL. MFA DID NOT COMMENT ON LACK OF CONSULAR ACCESS.

5. ON DEC. 20, 1976 BOOKS AND RELIGIOUS ITEMS WERE CONFISCATED FROM FIVE AMERICAN TOURISTS (GRIBETZ, LUCAS, LEVITT AND M/M BELKOVITZ). THEY WERE REFUSED ADMISSION TO THE SOVIET UNION AND REPORTED THAT THEY HAD NOT BEEN ALLOWED TO CONTACT EMBASSY DURING DETENTION. (REFTEL B).

6. MFA REPLIED THAT DURING CUSTOMS INSPECTION ZIONIST AND ANTI-CONFIDENTIAL

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SOVIET LITERATURE HAD BEEN DISCOVERED CONCEALED UNDER THEIR CLOTHING. THE TOURISTS ADMITTED THAT THEY HAD INTENDED TO DISTRIBUTE THIS MATERIAL TO SOVIET CITIZENS. THEY WERE GIVEN OPPORTUNITY TO CONTACT THE EMBASSY AND VICE-CONSUL NAPPER CAME TO AIRPORT. (COMMENT: MFA IS INCORRECT IN THIS ASSERTION. NAPPER WAS NOT CONTACTED.)

7. AMERICAN TOURIST LOUIS BERLIN TOLD CONSOFF THAT ON JAN. 4, 1977 CUSTOMS INSPECTORS CONFISCATED SEVERAL BOOKS FROM ISRAEL, A NECKLACE, A PERSONAL NOTEBOOK AND ADDRESS BOOK, AND LETTERS, INCLUDING ONE FROM CONGRESSMAN LEHMAN TO AMBASSADOR STOESSEL. HE SAID THAT HE WAS NOT ALLOWED TO CALL THE EMBASSY AND WAS FORCED TO SIGN A STATEMENT TELLING WHERE HE HAD OBTAINED THE CONFISCATED MATERIALS. (REFTEL C).

8. ACCORDING TO MFA ITEMS CONFISCATED INCLUDED ZIONIST LITERATURE, AND 110 STAR OF DAVID MEDALS ON A CHAIN, ALL OF WHICH HE HAD RECEIVED FROM U.S. ZIONIST ORGANIZATIONS TO BE DISTRIBUTED TO SOVIET CITIZENS. THE LETTER TO AMB STOESSEL DID NOT HAVE AN

ADDRESS ON ENVELOPE. THESE ITEMS WERE NOT DECLARED. MFA CLAIMS HE ACTED PROVOCATIVELY AND TRIED TO HAMPER INVESTIGATION.

9. ON JAN 6 AMERICAN TOURISTS DR. NATALIE BERG AND MS. DEBORAH RATNER WERE DETAINED FOR SIX HOURS, AND WERE SUBJECTED TO A THOROUGH SEARCH OF THEIR LUGGAGE AND FORCED TO DISROBE PARTIALLY. SEVERAL BOOKS AND NEWSPAPERS WERE CONFISCATED. THEY WERE NOT ALLOWED TO CALL EMBASSY. (REFTEL D).

10. MFA CONTENDS THAT LITERATURE CONFISCATED WAS ZIONIST AND ANTI-SOVIET AND THAT THE AMERICANS INTENDED TO DISTRIBUTE IT TO SOVIET CITIZENS. BERG AND RATNER REPORTEDLY ACTED PROVOCATIVELY AND DEFIANTLY, HAMPERING INSPECTOR'S SEARCH. NO COMMENT WAS MADE ABOUT CONSULAR ACCESS.

11. BACKGROUND AND CUSTOMS POLICY. DURING A SEARCH OF FILES FOR OTHER CASES, EMBASSY FOUND SIMILAR REPORTS OF PAST INCIDENTS IN CONFIDENTIAL

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WHICH AMERICANS ATTEMPTED TO BRING IN QUANTITIES OF RELIGIOUS ARTICLES. THIS MATERIAL WAS CONFISCATED AND IN SOME INSTANCES AMERICANS WERE REFUSED ADMISSION TO USSR. (REFTELS E AND F). ANNEX NO. 1 OF SOVIET CUSTOMS CONTROL REGULATIONS FOR HAND LUGGAGE AND BAGGAGE OF PERSONS CROSSING THE STATE BORDERS OF USSR (1971) INCLUDES AMONG ARTICLES PROHIBITED ENTRY INTO USSR "PRINTED MATTER, PRINTING PLATES, NEGATIVES, DEVELOPED FILM, PHOTOGRAPHS, MOTION PICTURE FILM, MANUSCRIPTS, DRAWINGS, PHONOGRAPH RECORDS, ETC." AND "ARTICLES AND VALUABLES WHOSE ENTRY IS PROHIBITED ON THE BASIS OF RESOLUTIONS AND ORDERS OF THE COUNCIL OF MINISTERS OF THE USSR." IN EFFECT, THESE REGULATIONS GIVE SOVIET CUSTOMS AUTHORITIES LEGAL JUSTIFICATION FOR FORBIDDING ENTRY OF ANY MATERIAL THEY CHOOSE NOT TO ADMIT. WHILE CRITERIA ARE SOMETIMES APPLIED ARBITRARILY AND ERRATICALLY, IT SEEMS TO US THAT THREE MAJOR ELEMENTS ARE GENERALLY INVOLVED IN THESE DECISIONS: CONTENT, QUANTITY, CONCEALMENT. IN MAKING THEIR DECISION, CUSTOMS OFFICIALS CONSIDER THE POLITICAL NATURE AND QUANTITY OF MATERIAL AND WHETHER IT IS OPENLY DECLARED OR AN ATTEMPT IS MADE TO CONCEAL IT.

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TO SECSTATE WASHDC 5705
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12. CUSTOMS AUTHORITIES TEND TO CONSIDER ANY MATERIAL IN HEBREW LANGUAGE AS ANTI-SOVIET PER SE AND ANY MATERIALS FROM GOVT OF ISRAEL IN SAME LIGHT. ITEMS WHICH DO NOT FALL UNDER SUCH BLANKET CONDEMNATION MAY BE ADMITTED, IF QUANTITY IS SMALL ENOUGH TO CONVINCE CUSTOMS OFFICIALS THAT ITEMS ARE INTENDED FOR PERSONAL USE AND NOT FOR GIFTS OR OTHER DISTRIBUTION. THUS, NECKLACE WITH ONE STAR OF DAVID MIGHT BE ADMITTED WHILE "NECKLACE" OF LOUIS BERLIN (REFTEL C) CONTAINING 110 STARS OF DAVID, WAS CONFISCATED ON GROUNDS THAT SELF-EVIDENT INTENTION WAS TO DISTRIBUTE THEM WITHIN SOVIET UNION. SOVIET AUTHORITIES HAVE TOLD US AS LONG AGO AS 1972 (REFTEL H) THAT ALTHOUGH IMPORTATION OF RELIGIOUS MATERIALS IS FORBIDDEN, SOVIET CUSTOMS AUTHORITIES GENERALLY PERMIT TWO PIECES OF RELIGIOUS MATERIAL PER PERSON TO BE BROUGHT INTO SOVIET UNION FOR PERSONAL USE.

13. U.S. POLICY. IN PROTESTING CONFISCATIONS OF WRITTEN MATERIALS AND RELIGIOUS ITEMS, EMBASSY SEEKS ON ONE HAND TO PROTECT RIGHTS AND PROPERTY OF U.S. CITIZENS AND THEIR DESIRE TO PROMOTE FREE EXCHANGE OF IDEAS AND ON OTHER HAND SEEKS TO AVOID APPEARANCE OF SUGGESTING THAT SOVEREIGN STATE DOES NOT HAVE RIGHT TO ESTABLISH AND ENFORCE ITS OWN CUSTOMS REGULATIONS, HOWEVER MUCH WE MAY DISAGREE WITH THEM. IN SO DOING, IT SEEMS TO US THAT EMBASSY IS ON STRONGEST GROUND WHEN U.S. CITIZENS INVOLVED MADE NO ATTEMPT TO CONFIDENTIAL

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CONCEAL GOODS, CARRIED QUANTITY THAT COULD REASONABLY BE ARGUED WAS INTENDED FOR PERSONAL USE AND WHEN GOODS INVOLVED WERE OF SUCH NATURE AS NOT TO BE CONSIDERED BY SOVIET AUTHORITIES AS SELF-EVIDENTLY ANTI-SOVIET. IN CERTAIN CASES PRESENTED HERE, INVOLVING EITHER LARGE QUANTITY OF MATERIAL (AS IN BERLIN "NECKLACE") OR EFFORT AT CONCEALMENT (AS IN SEIDMAN'S "HIDDEN POCKET" CONTAINING LETTERS), EMBASSY'S VERY STRONG PROTESTS WERE VITIATED BY FACT THAT U.S. CITIZENS CONCERNED APPARENTLY DID NOT GIVE EMBASSY FULL AND COMPLETE EXPLANATION OF FACTS IN CASE.

14. PROSPECTS. SOVIET AUTHORITIES HAVE THUS FAR STOPPED SHORT OF

ARRESTING U.S. CITIZENS WHO HAVE ATTEMPTED TO BRING IN QUOTE ANTI-SOVIET UNQUOTE MATERIALS. WE DOUBT THAT THIS POLICY WILL CHANGE, UNLESS FREQUENCY OF INCIDENTS INCREASES OR U.S.-SOVIET RELATIONS DETERIORATE TO POINT THAT SOVIET AUTHORITIES DECIDE THAT IT WOULD BE WORTH THEIR WHILE TO MAKE AN EXAMPLE OF SOMEONE. ARREST LAST FALL OF FRENCH CITIZEN (REFTEL G) SUGGESTS THAT PUBLIC DISTRIBUTION OF MATERIALS WILL PROVOKE HARSH REACTION PERHAPS MORE WORRISOME IN TERMS OF POSSIBLE ACTIVITIES OF U.S. CITIZENS WAS ARREST LAST JULY OF NORWEGIAN SEMINARY STUDENT WHO WAS DELIVERING RELIGIOUS MATERIALS TO SERIES OF ADDRESSES PROVIDED HIM BY NORWEGIAN RELIGIOUS ORGANIZATION (REFTEL G). HIS ACTIVITIES DID NOT DIFFER MATERIALLY FROM INTENDED ACTIVITIES OF SOME OF U.S. CITIZENS ABOVE WHOSE MATERIALS WERE CONFISCATED. BERLIN, FOR EXAMPLE, WAS APPARENTLY SUPPLIED MATERIALS AND ADDRESSES BY US JEWISH ORGANIZATIONS OR ISRAELI ORGANIZATIONS AND ASKED TO DELIVER THEM.

15. THIS TYPE OF CONFRONTATION AND USG REPRESENTATION ON BEHALF OF CITIZENS INVOLVED MAY HAVE LONG-TRM EDUCATIVE AFFECT ON SOVIET AUTHORITIES. CURRENT LEADERSHIP, HOWEVER, SHOWS NO SIGNS OF BEING EDUCABLE ON THIS POINT AND WILL CONTINUE TO REGARD QUOTE SMUGGLING UNQUOTE OF THREATENING IDEAS IN MUCH SAME LIGHT THAT OTHER COUNTRIES REGARD SMUGGLING ARMS.

16. ACTION REQUESTED. WE SUGGEST THAT, WHERE POSSIBLE, DEPARTMENT
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INFORM US TOURISTS BOUND FOR MOSCOW, AND PARTICULARLY MEMBERS OF US RELIGIOUS AND HUMAN RIGHTS GROUPS, THE IMPORTATION OF MATERIAL WHICH SOVIET AUTHORITIES CONSIDER PROHIBITED IS CONTRARY TO SOVIET LAW AND CAN CONCEIVABLY LEAD TO ARREST.
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Message Attributes

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